

5000

526 Rec'd PCT/PTO 19 OCT 2000

Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6

In re Application of:

Michael A. Frace et al.

Serial No.: 09/485,099

Filed: August 6, 1998

For: PREPARATION AND USE OF RECOMBINANT
INFLUENZA A VIRUS M2 CONSTRUCTS AND
VACCINES

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is in Response to the Notification of Defective Response mailed September 7, 2000. The Notification of a Defective Oath or Declaration (paper #4) states that all inventors must be listed on the same Declaration to show the other inventors that they are not the sole inventors but co-inventors.

Applicants respectfully submit that each Declaration indicates on line two that the inventors are Michael A. Frace, Alexander L. Klimov, and Jacquenne M. Katz. A copy of each Declaration with this information is attached hereto for convenience.

Applicants respectfully maintains that the enclosed Declaration and Power of Attorney is in compliance with 37 C.F.R. 1.497(a) and (b).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents and Trademarks, Washington, DC, 20231, on **October 12, 2000**.

Jamie L. Greene - Reg. No. 32,467

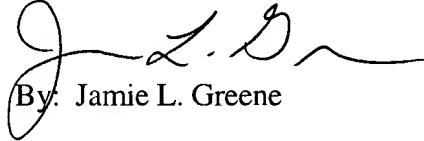
404-915-2224



If the Examiner believes any informalities remain in the application, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 949-2473 is respectfully solicited.

Respectfully submitted,

KILPATRICK STOCKTON LLP


By: Jamie L. Greene

2400 Monarch Tower
3424 Peachtree Road, N.E.
Atlanta, Georgia 30326
(404) 949-2400
Attorney Docket No.: 03063-0821US